THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.17209 OF 2005

Dated:10-08-2005

Between:

Devidi Ashi Reddy and others..

..Petitioners.

And

The Deputy Collector and Mandal Revenue Officer, Hayathnagar Mandal, Ranga Reddy District.

..Respondents.

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.17209 OF 2005

ORDER:

This writ petition is filed to quash the Proceeding No.C/396/2005 dated 23-05-2005 issued by the respondent and to direct the respondent not to interfere with the possession and enjoyment of the petitioners over the land admeasuring Ac:4-01 gts in Sy.No.127/2 of Tattiannaram village, Hayathnagar Mandal, Ranga Reddy District.

The brief facts are that the father of the 2nd petitioner by name Devidi Venkat Reddy, who died about 35 years ago, had three brothers and all the petitioners are the successors of the said four brothers. During the life time of Devidi Venkat Reddy, the above said land was internally partitioned amongst the petitioners and the respondent has sanctioned mutation in their favour in terms of their family arrangement as per the orders dated 05-08-1998 and issued pattadar pass books and title deeds to them. Since then, the petitioners are in possession and enjoyment of the said land and they have not sold the same nor converted the nature of the land till today. While so, the respondent passed the impugned order dated 23-05-2005 on the premise that late Devidi Venkat Reddy

has changed the agricultural land into non-agricultural land and sold the same to third parties, which is a violation of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act,1977. As the show cause notice said to have been issued as per the recitals of the impugned order was addressed to a dead person, this writ petition is filed to quash the same.

Heard both the counsel.

A perusal of the entire material on record along with the pahani patrikas filed in support of the writ petition goes to show that the names of the petitioners were mentioned as pattadars of the land in question. The impugned order shows that Form-I notice in question was served on Devidi Venkat Reddy on 05-03-2005, whereas according to the petitioners, he died about 35 years ago.

Having regard to the facts and circumstances of the case, as the impugned order dated 23-05-2005 was issued against a person, who died about 35 years ago leaving the petitioners, who are in possession and enjoyment of the land in question, as alleged by them, it is nothing but amounting to violation of the principles of natural justice and therefore, same is liable to be quashed.

Accordingly, the writ petition is allowed. However, it is open to the respondent to proceed with the matter, if he so chooses, in accordance with law. No order as to costs.

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10-08-2005

sj